

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

June 2, 2008

- C055357 THE PEOPLE v. BROADNAX (Not For Publication)**
The judgment is affirmed. The trial court shall amend the abstract of judgment as directed in this opinion and forward a copy of the amended abstract to the Department of Corrections and Rehabilitation.
MORRISON, J.
We Concur: Raye, Acting P.J.
Cantil-Sakauye, J.
- C056188 THE PEOPLE v. POWERS (Not For Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Davis, J.
Raye, J.
- C057549 In re K.B. et al.; YUBA COUNTY HEALTH (Not For Publication)**
AND HUMAN SERVICES v. KEITH B.
- C057902 In re K.B. et al.; YUBA COUNTY HEALTH (Not For Publication)**
AND HUMAN SERVICES v. L.R. et al.
The order terminating parental rights is vacated and the matter is remanded for the purpose of providing adequate ICWA notice to the three Cherokee tribes. If any tribe responds that the children are Indian children or eligible for enrollment, the court shall proceed as required by the ICWA. If all tribes respond that neither child is an Indian child or eligible for enrollment, the court shall reinstate the order terminating parental rights.
BUTZ, J.
We Concur: Blease, Acting P.J.
Hull, J.
- C053528 THE PEOPLE v. GUTIERREZ (Not For Publication)**
THE COURT:
It is ordered that the opinion filed herein on May 16, 2008, be modified ...
In light of this modification, which does not change the judgment, defendant's petition for rehearing is denied.
BY THE COURT:
SIMS, Acting P.J.
Robie, J.
Butz, J.

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STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

June 3, 2008

- C053892 THE PEOPLE v. SIMPSON (Not For Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Blease, J.
- C055350 THE PEOPLE v. MARTINEZ (Not For Publication)**
The conviction of section 148.9, subdivision (a), is reversed. The judgment is modified to award 204 days of actual credits and 102 days of conduct credits for a total of 306 days presentence credits toward defendant's state prison sentence. The trial court is directed to prepare an amended abstract of judgment reflecting the modification of custody credits and to forward a copy thereof to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.
BLEASE, Acting P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.
- C055387 THE PEOPLE v. ELLIOT (Not For Publication)**
The judgment is reversed. The matter is remanded to the trial court for a new sentencing hearing. Defendant's conviction for possession of cocaine base for sale is affirmed.
SIMS, Acting P.J.
We Concur: Davis, J.
Raye, J.
- C056336 THE PEOPLE v. JONES (Not For Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Morrison, Acting P.J.
Butz, J.
- C053553 STEELE v. YOUTHFUL OFFENDER PAROLE BOARD
BY THE COURT:**
Appellant's petition for rehearing is denied.
DAVIS, Acting P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

June 4, 2008

**C055327 CALIFORNIA CORRECTIONAL PEACE (Certified For Publication)
OFFICERS' ASSOCIATION et al. v.
ARNOLD SCHWARZENEGGER, as Governor,
etc., et al.**

The judgment is reversed, and the matter is remanded to the trial court with directions to enter a new judgment denying plaintiffs the relief they seek. Plaintiffs shall reimburse defendants for their costs on appeal. ... The stay that we previously issued is vacated upon the finality of this decision.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Raye, J.

**C055900 THE PEOPLE v. ACCREDITED SURETY (Not For Publication)
AND CASUALTY CO., INC.**

The judgment is affirmed. The People shall recover their costs on appeal.

...

RAYE, J.

We Concur: Scotland, P.J.

Sims, J.

**C056998 In re ROSAELIA G. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES
AGENCY v. NICOLE K.**

**C057469 In re ROSAELIA G. et al.: SAN JOAQUIN COUNTY HUMAN SERVICES
AGENCY v. NICOLE K. et al.**

BY THE COURT:

Pursuant to the request of appellant Augustine G., his petition for rehearing is denied as moot.

DAVIS, Acting P.J.

June 5, 2008

MISC. ORDER 2008-008

BY THE COURT:

Associate Justice M. Kathleen Butz is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on June 13, 2008, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

June 5, 2008 continued

- C053304 THE PEOPLE v. WESTFALL (Not For Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.
- C054209 THE PEOPLE v. MASSI (Not For Publication)**
The convictions are affirmed, the sentence is vacated, and this matter is
remanded to the trial court for resentencing in accordance with this opinion.
SCOTLAND, P.J.
We Concur: Blease, J.
 Hull, J.
- C056237 THE PEOPLE v. MAHARAJ (Not For Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
 Cantil-Sakauye, J.
- C056893 THE PEOPLE v. CHESO (Not For Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
 Hull, J.
- C051930 BOWEN, a Minor, etc., et al. (Certified For Partial Publication)
 v. RYAN**
The judgment is reversed. Defendant is awarded his costs on appeal.
HULL, J.
We Concur: Davis, Acting P.J.
 Morrison, J.
- C054954 THE PEOPLE v. JACKSON (Certified For Partial Publication)
 THE COURT:**
It is ordered that the opinion filed herein on May 27, 2008, be modified to
include section IA in the published portion of the opinion.
This modification does not effect a change in the judgment.
DAVIS, Acting P.J.
Morrison, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

June 6, 2008

**C057766 THE PEOPLE v. THE SUPERIOR COURT (Not For Publication)
 OF YUBA COUNTY; SPARKS**

The petition is granted. Let a peremptory writ issue directing the superior court to: (1) vacate its order precluding the People from trying defendant Sparks for felony murder; and (2) enter a new order denying Sparks's motion to preclude the People from trying him for any other crime greater than voluntary manslaughter. Upon finality of this opinion, the stay previously issued is vacated.

ROBIE, J.

We Concur: Raye, Acting P.J.
 Morrison, J.